

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BRANDON L. BROOKS,)
vs.)
Plaintiff,)
vs.) CIVIL NO. 09-140-GPM
JACKSON COUNTY, *et al.*,)
Defendants.)

MEMORANDUM AND ORDER

MURPHY, District Judge:

Plaintiff filed a *pro se* complaint under 42 U.S.C. § 1983 (Doc. 1) and a motion to proceed *in forma pauperis* (Doc. 2). In reviewing the complaint pursuant to 28 U.S.C. § 1915A, the Court notes that Plaintiff is asserting a false arrest claim stemming from his arrest on domestic battery charges that is identical to claims asserted by Plaintiff in *Brooks v. Carbondale Police Dept.*, Civil No. 07-846-DRH (S.D. Ill.). It appears that Plaintiff re-filed this action because he had not received any response concerning Civil No. 07-846-DRH.

This Courts records, however, indicate that Chief District Judge David R. Herndon entered an order referring the previously filed action, Civil No. 07-846-DRH, to Magistrate Judge Donald G. Wilkerson for pre-trial matters. *Brooks v. Carbondale Police Dept.*, No. 07-846-DRH (S.D. Ill. June 2, 2008). Plaintiff's claims against the Carbondale Police Department were dismissed because the doctrine of *respondeat superior* does not apply to § 1983 cases. *Id.* The Court's records also indicate that mail sent to Plaintiff has not been returned as undeliverable. However, the Court notes that in Civil No. 07-846-DRH, Plaintiff gave his address as: 1318 Meadowbrook Lane, Carbondale,

Illinois 62901. In the instant case, Plaintiff gives his address as the Menard Correctional Center. Plaintiff is obligated to keep the Court informed of his proper mailing address in *all* of his cases. If Plaintiff's mailing address in Carbondale is no longer good, he must file a notice with the Court in Civil No. 07-846-DRH advising it of his new address.

Based on the foregoing, the Court concludes that the instant action is duplicative of the action filed by Plaintiff bearing Civil No. 07-846-DRH. Accordingly, this action is **DISMISSED** as duplicative of the action already pending under Civil No. 07-846-DRH. The Clerk of Court is **DIRECTED** to close this case on the Court's docket. All pending motions are **DENIED** as moot.

IT IS SO ORDERED.

DATED: 03/25/09

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge